

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13CV308-GCM**

**STEPHEN THOMAS BAILIFF,** )  
    **Plaintiff,** )  
 )  
**vs.** )  
 )  
**DAVENPORT TRANSPORTATIONS,** )  
**INC.,** )  
    **Defendant.** )  
\_\_\_\_\_ )

**NOTICE and ORDER**

This matter is before the court upon Defendant's Motion to Dismiss [Doc. No. 6] pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

It appears that Defendant may be entitled to dismissal in this action as a matter of law. In furtherance of the principles set forth in *Roseboro v. Garrison*, 528 F.2d 309 (4<sup>th</sup> Cir. 1975),<sup>1</sup> the Court advises the Plaintiff, who is proceeding *pro se*, of his obligation to respond to Defendant's Motion. Therefore, the Plaintiff is directed to file a response as described below:

**TO THE PLAINTIFF, STEPHEN THOMAS BAILIFF, READ THE FOLLOWING  
VERY CAREFULLY:**

You are to file a brief written argument opposing the Defendant's Motion to Dismiss on or before August 26, 2013.

You are hereby advised that you have until August 26, 2013, in which to file your response to the Motion to Dismiss. If you fail to respond to the motion, the court will proceed to decide the matter. A copy of the response must be served on the Defendant and a certificate of

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<sup>1</sup> The specific language of *Roseboro* addressed the responsive burden for a *pro se* party in the context of a motion for summary judgment, but the Court, out of an abundance of caution, provides Plaintiffs with a similar notice regarding Defendants' Motions to Dismiss

service must be filed with the court showing that a copy has been sent to counsel for the Defendant.

IT IS THEREFORE ORDERED that Plaintiff may respond to Defendant's Motion to Dismiss [Doc. No. 6] **on or before August 26, 2013. Failure to file a timely response may lead to the dismissal of Plaintiffs' lawsuit without further notice.**

The Clerk is directed to send a copy of this NOTICE and ORDER to Plaintiff's address of record.

**SO ORDERED.**

Signed: August 13, 2013

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

